

PTO Form 1960 (Rev 9/2007)

OMB No. xxxx-xxxx (Exp. x/xxxx)

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77021971
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (009)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (038)(current)</b>	
<b>INTERNATIONAL CLASS</b>	038
<b>DESCRIPTION</b>	
Video broadcasting services over the Internet and other communications network, namely, wireless and other delivery platforms, namely, electronic transmission of video recordings; communication services, namely, electronic transmission of messages, data and video and audio recordings among users of computers	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (038)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	038
<b>DESCRIPTION</b>	
Video broadcasting services over the Internet and other communications networks, namely, Personal Area Network, Local Area Network, Campus Area Network, Metropolitan Area Network, Wide Area Network, Global Area Network, Intranet and Extranet; wireless and satellite communication services, namely, electronic transmission of video recordings; communication services, namely, electronic transmission of messages, data and video and audio recordings among users of computers	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (041)(current)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
Entertainment services, namely, providing a website featuring video and audio recordings in the field of movies, television and related entertainment medium	

<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (041)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
Entertainment services, namely, providing a website featuring video and audio recordings featuring movies, television programs and related entertainment medium, namely, user-generated content	
<b>FILING BASIS</b>	Section 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>MISCELLANEOUS STATEMENT</b>	In this Office Action, the Examiner has required further clarification of certain wording in the recitation of services in Classes 38 and 41. Applicant has amended the recitation of services in accordance with the Examining Attorney's helpful suggestions, and the services, as amended, are within the scope of services listed in the original application. See 37 C.F.R. Section 2.71(b). Accordingly, the amended recitation of services should now be acceptable for purposes of registration.
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
<b>RESPONSE SIGNATURE</b>	/norm j. rich/ and /dkf/
<b>SIGNATORY'S NAME</b>	Norm J. Rich and Diane K. Fry
<b>SIGNATORY'S POSITION</b>	Attorneys for Applicant
<b>DATE SIGNED</b>	03/10/2008
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Mon Mar 10 16:04:03 EDT 2008
<b>TEAS STAMP</b>	USPTO/RFR-204.87.63.254-2 0080310160403542213-77021 971-420d421844978264345c4 de9e2293633e8e-N/A-N/A-20 080310160127104882

PTO Form 1960 (Rev 9/2007)

OMB No. xxxx-xxxx (Exp. x/xxxx)

**Request for Reconsideration after Final Action****To the Commissioner for Trademarks:**

Application serial no. 77021971 has been amended as follows:

**CLASSIFICATION AND LISTING OF GOODS/SERVICES****Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 038 for Video broadcasting services over the Internet and other communications network, namely, wireless and other delivery platforms, namely, electronic transmission of video recordings; communication services, namely, electronic transmission of messages, data and video and audio recordings among users of computers

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:** Class 038 for Video broadcasting services over the Internet and other communications networks, namely, Personal Area Network, Local Area Network, Campus Area Network, Metropolitan Area Network, Wide Area Network, Global Area Network, Intranet and Extranet; wireless and satellite communication services, namely, electronic transmission of video recordings; communication services, namely, electronic transmission of messages, data and video and audio recordings among users of computers

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 041 for Entertainment services, namely, providing a website featuring video and audio recordings in the field of movies, television and related entertainment medium

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:** Class 041 for Entertainment services, namely, providing a website featuring video and audio recordings featuring movies, television programs and related entertainment medium, namely, user-generated content

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**ADDITIONAL STATEMENTS****Miscellaneous statement**

In this Office Action, the Examiner has required further clarification of certain wording in the recitation of services in Classes 38 and 41. Applicant has amended the recitation of services in accordance with the Examining Attorney's helpful suggestions, and the services, as amended, are within the scope of

services listed in the original application. See 37 C.F.R. Section 2.71(b). Accordingly, the amended recitation of services should now be acceptable for purposes of registration.

**SIGNATURE(S)****Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

**Request for Reconsideration Signature**

Signature: /norm j. rich/ and /dkf/ Date: 03/10/2008

Signatory's Name: Norm J. Rich and Diane K. Fry

Signatory's Position: Attorneys for Applicant

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77021971

Internet Transmission Date: Mon Mar 10 16:04:03 EDT 2008

TEAS Stamp: USPTO/RFR-204.87.63.254-2008031016040354

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